

REMARKS

Applicant has carefully reviewed the Application in light of the Office Action mailed December 28 2005. At the time of the Office Action, Claims 1-28 were pending in the Application. Applicant amends Claims 1, 9, 16, and 23 and cancel Claim 3 without prejudice or disclaimer. Applicant added one new dependent Claim 29. The amendments and cancellation to these claims are not the result of any prior art reference and, thus, do not narrow the scope of any of the claims. Furthermore, the amendments are not related to patentability issues and only further clarify subject matter already present. All of Applicant's amendments have only been done in order to advance prosecution in this case. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

Section 102 Rejection

The Examiner rejects Claims 1-3, 7, 9-10, 14, 16-17, 21, 23-24, and 27 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,366,962 issued to Teibel (hereinafter "Teibel").

Applicant respectfully disagree with the Examiner that Teibel anticipates these claims. "A claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631 (Fed. Cir. 1987) (emphasis added). See also MPEP §2131. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989).

Contrary to the Examiner's conclusion, *Teibel* does not disclose "each and every" element set forth in independent claims 1, 9, 16, and 23, much less in "as complete detail as is contained in the claim." Among other things, *Teibel* does not disclose "a sequence number included in the packet that correlates to awareness information." In the passage cited by the Examiner, *Teibel* suggests only that a sequence number be stored on the server for authentication purposes. *Teibel's* sequence number is neither included in a packet nor correlated to awareness information. In contrast, the Applicant has described a sequence number that is included in a packet to describe the state of an adjacent network element. Such a sequence number can, for example, allow for the incremental transmission of neighbor states.

Moreover, *Teibel* does not disclose a network element "operable to ignore the packet in cases where the awareness information included in the packet has already been accounted for." Rather, in the passage cited by the Examiner, *Teibel* indicates that a signal is ignored only if the signal is not from a communication address associated with a server ID in a user's FROM list. Clearly, a communication address associated with a server ID in a user's FROM list is not akin to "awareness information included in the packet [that] has already been accounted for."

While the Applicant disagrees with the Examiner's rejections based upon *Teibel*, the Applicant nonetheless has amended each independent claim to advance prosecution of the claims and to clarify the distinctions discussed above. Since *Teibel* does not disclose these limitations in the independent claims, it cannot anticipate these claims under 35 U.S.C. § 102. And to the extent that *Teibel* cannot anticipate the independent claims, it cannot anticipate any claim that

depends upon them. Accordingly, all pending claims are now allowable.

Section 103 Rejection

The Examiner rejects Claims 4-6, 8, 11-13, 15, 18-20, 22, 25-26, and 28 under 35 U.S.C. §103(a) as being unpatentable over *Teibel* in view of U.S. Patent Application Publication No. US 2003/0067924 to Choe et al. (hereinafter "*Choe*"). The Applicant believes this rejection is now moot in light of the amendments to the claims, as indicated above. Accordingly, all pending claims are now allowable. Notice to this effect is respectfully requested.

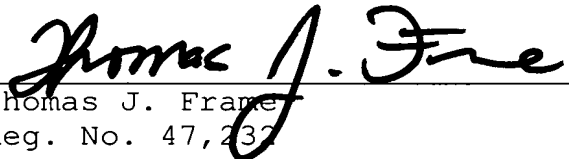
CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

Applicant believes no fee is due. However, if this is not correct, the Commissioner is hereby authorized to charge any additional amount required or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact Thomas J. Frame at 214.953.6675.

Respectfully submitted,  
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Attorneys for Applicant

  
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Date: January 26, 2006

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